

Message Text

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ACTION STR-05

INFO OCT-01 STRE-00 ISO-00 FEA-01 CIAE-00 DODE-00
NSAE-00 NSCE-00 SSO-00 USIE-00 INRE-00 AGRE-00
CEA-01 COME-00 EB-08 FRB-03 H-01 INR-07 INT-05
L-03 LAB-04 PA-01 CTME-00 AID-05 SS-15 ITC-01
TRSE-00 PRS-01 SP-02 OMB-01 AF-10 ARA-10 EA-10
EUR-12 NEA-10 OIC-02 IO-13 /132 W
-----000576 291714Z /40

O 291657Z NOV 77

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 3526

INFO AMEMBASSY BRUSSELS

LIMITED OFFICIAL USE SECTION 01 OF 02 GENEVA 11168

USMTN

USEEC

ACTION STR FOR AMB WOLFF, AMB MCDONALD, GREENWALD, LANDE,
MATTHEISEN

E.O.11652: N/A

TAGS: ETRD, GATT, MTN

SUBJECT: FRAMEWORK: EC TEXTS ON ENABLING CLAUSE AND
GRADUATION

REF: A) STATE 277901, B) GENEVA 10877

FOLLOWING ARE EC TEXTS (DISCUSSED SEPTTEL) ON ENABLING
CLAUSE AND GRADUATION FOR INSERTION INTO GATT ARTICLE
XXXVI, COMPRISING INFORMAL EC INITIATIVES ON POINTS 1
AND 4 OF FRAMEWORK GROUP WORK PROGRAM:

QUOTE

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POINT 1: ENABLING CLAUSE

1. THE PRESENT AGREEMENT SHALL NOT PREVENT, SUBJECT TO
THE FOLLOWING PROVISIONS, THE ESTABLISHMENT OF MEASURES
OR PROCEDURES DESIGNED TO PROVIDE DIFFERENTIAL AND
MORE FAVORABLE TREATMENT TO DEVELOPING COUNTRIES WITH
RESPECT TO THE PROVISIONS OF THE GENERAL AGREEMENT CON-

CERNING TARIFF AND NON-TARIFF MEASURES, PROVIDED THAT IN EACH CASE SUCH TREATMENT IS IN ORDER TO RESPOND TO THE PARTICULAR CIRCUMSTANCES AND THE DEVELOPMENT NEEDS OF DEVELOPING COUNTRIES AND TO THE EXTENT THAT INDIVIDUAL DEVELOPMENT NEEDS CONTINUE TO JUSTIFY SUCH TREATMENT.

1.BIS DIFFERENTIAL AND MORE FAVORABLE TREATMENT WITH RESPECT TO THE PROVISIONS OF THE GENERAL AGREEMENT CONCERNING NON-TARIFF MEASURES SHALL BE GOVERNED BY THE PROVISIONS OF ARRANGEMENTS MULTILATERALLY AGREED TO BY THE CONTRACTING PARTIES.

2. THE CONTRACTING PARTIES RECOGNIZE THAT SUCH DIFFERENTIAL TREATMENT

A) SHALL NOT PREVENT REDUCTION OF CUSTOMS DUTIES AND ELIMINATION OF OTHER RESTRICTIONS TO TRADE ON THE BASIS OF THE MOST-FAVORED NATION CLAUSE

B) SHALL AIM TO FACILITATE THE TRADE OF BENEFICIARY COUNTRIES AND NOT TO SET UP OBSTACLES TO THE TRADE OF OTHER CONTRACTING PARTIES.

3. WITHOUT PREJUDICE TO OTHER RELEVANT PROVISIONS OF THE GENERAL AGREEMENT, ANY CONTRACTING PARTY WISHING TO GIVE DIFFERENTIAL AND MORE FAVORABLE TREATMENT AS INDICATED IN PARA 1 ABOVE OR WISHING TO MODIFY SUCH TREATMENT AND ANY CONTRACTING PARTY BENEFITTING FROM SUCH TREATMENT SHALL PROMPTLY INFORM THE CONTRACTING LIMITED OFFICIAL USE

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PARTIES AND PROVIDE THEM WITH ALL INFORMATION REQUIRED SO AS TO PERMIT THEM, IF NECESSARY, TO MAKE ANY RECOMMENDATIONS THAT THEY MAY JUDGE APPROPRIATE WITH RESPECT TO THE PROVISIONS OF THE GENERAL AGREEMENT. THE CONTRACTING PARTIES CONCERNED SHALL ACT IN ACCORDANCE WITH ANY SUCH RECOMMENDATIONS. (NOTE: BRACKETED SENTENCE MAY HAVE BEEN DELETED.)

4. EACH CONTRACTING PARTY GRANTING DIFFERENTIAL AND MORE FAVORABLE TREATMENT OR BENEFITTING FROM IT SHALL AFFORD ADEQUATE OPPORTUNITY FOR CONSULTATIONS AT THE REQUEST OF ANY OTHER CONTRACTING PARTY WHICH CONSIDERS THAT ANY BENEFIT ACCRUING TO IT UNDER THE GENERAL AGREEMENT MAY BE OR IS BEING IMPAIRED UNDULY AS A RESULT OF THE ARRANGEMENTS INTRODUCED BY VIRTUE OF THIS CLAUSE.

5. ANY CONTRACTING PARTY WHICH CONSIDERS THAT THE ARRANGEMENTS INTRODUCED BY VIRTUE OF THIS CLAUSE OR THEIR LATER EXTENSION ARE BEING APPLIED INCONSISTENTLY WITH THIS CLAUSE OR THAT ANY BENEFIT ACCRUING TO IT UNDER THE GENERAL AGREEMENT MAY BE OR IS BEING IMPAIRED UNDULY AS A RESULT OF THE ARRANGEMENTS OR THEIR SUBSEQUENT

EXTENSION AND THAT CONSULTATIONS HAVE PROVED UNSATIS-
FACTORY, MAY BRING THE MATTER BEFORE THE CONTRACTING
PARTIES WHICH WILL EXAMINE IT PROMPTLY AND WILL FORMULATE
ANY RECOMMENDATIONS THAT THEY JUDGE APPROPRIATE.
POINT 4: "RETOUR GRADUEL"

XXXVI (G) - RECOGNIZING THAT A FULLER PARTICIPATION BY
THE LESS-DEVELOPED COUNTRIES IN AN IMPROVED FRAMEWORK
OF RIGHTS AND OBLIGATIONS UNDER THE GENERAL AGREEMENT
WOULD BE TO THE ADVANTAGE OF BOTH DEVELOPED AND LESS-
DEVELOPED CONTRACTING PARTIES;

XXXVI 8 BIS - AS THEIR ECONOMIC, FINANCIAL AND TRADE
SITUATION IMPROVES, LESS-DEVELOPED CONTRACTING PARTIES
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ACTION STR FOR AMB WOLFF, AMB MCDONALD, GRENWALD, LANDE,
MATTHEISEN

WILL ASSUME PROGRESSIVELY MORE OBLIGATIONS UNDER THE
GENERAL AGREEMENT IN THE FIELD OF TARIFF AND NON-TARIFF
MEASURES.

XXXVI BIS - ENABLING CLAUSE.

END QUOTE

DRAFTZD BY HARTZELL. CULBERT

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